

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JAMES GUNTER,

Plaintiff,

vs.

ZEAMARINE CARRIER GmbH

Defendant.

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CIVIL ACTION NO. 4:19-CV-2789

DEFENDANT’S INITIAL DISCLOSURES

TO THE HONORABLE JUDGE OF THIS COURT:

COMES NOW Defendant Zeamarine Carrier GmbH (hereafter referred to as “Defendant”) and hereby provides the following initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) as agreed by the Parties in the Joint Discovery Case Management Plan. These initial disclosures are based upon the information, documents, and writings presently known by and available to Defendant and its attorneys. Should any information or documents be omitted from these initial disclosures, Defendant reserves the right to make such subsequent disclosures as may be necessary. No incidental or implied admissions, nor waiver of any rights, are intended by these initial disclosures. Defendant specifically reserves the right to introduce at any hearing, judicial proceedings, or arbitration any evidence from any source that hereafter may be discovered and testimony of witnesses whose identities may hereafter be discovered.

I. WITNESSES

Defendant identifies the following individuals who are likely to have discoverable information that Defendant may use to support its claims and defenses in this action.

Defendant reserves the right to call other witnesses for the purpose of impeachment.

1. **James Gunter, Plaintiff**
c/o Jason A. Itkin, Cory D. Itkin, Ryan MacLeod, Jacob Karam
ARNOLD & ITKIN
6009 Memorial Drive
Houston, TX 77007
Phone: 713-222-3800
Fax: 713-222-3850
2. **Zeamarine Carrier GmbH, Defendant**
c/o Jason P. Waguespack, Kelly C. Hartmann, Trenton J. Wallis
GALLOWAY JOHNSON TOMPKINS BURR & SMITH
1301 McKinney St., Suite 1400
Houston, Texas 77010
T: (713) 599-0700
F: (713) 599-0700
3. **Gulf Stream Marine, Inc., Plaintiff's Employer**
10000 Manchester Avenue, Suite C,
Houston, Texas 77012
c/o CT Corporation System
1999 Bryan St., Suite 900
Dallas, TX 75201
T: (713) 926-7611
4. **Corporate Representative of Zeamarine Carrier GmbH**
c/o Jason P. Waguespack, Kelly C. Hartmann, Trenton J. Wallis
GALLOWAY JOHNSON TOMPKINS BURR & SMITH
1301 McKinney St., Suite 1400
Houston, Texas 77010
T: (713) 599-0700
F: (713) 599-0700
Representative or Representatives will have knowledge of Plaintiff's claims.
5. **Master and Crew of M/V ZEA BREMEN**
c/o Zeamarine Carrier GmbH
Jason P. Waguespack, Kelly C. Hartmann, Trenton J. Wallis
GALLOWAY JOHNSON TOMPKINS BURR & SMITH
1301 McKinney St., Suite 1400

Houston, Texas 77010

T: (713) 599-0700

F: (713) 599-0700

Master and Crew of M/V ZEA BREMEN with knowledge of the following topics: loading/unloading operations; the crane operation underway at the time of the incident; and Plaintiff's claims which serves as the subject matter of this dispute.

6. **Oleksandr Melnyk, Master of the M/V ZEA BREMEN**

c/o Zeamarine Carrier GmbH

Jason P. Waguespack, Kelly C. Hartmann, Trenton J. Wallis

GALLOWAY JOHNSON TOMPKINS BURR & SMITH

1301 McKinney St., Suite 1400

Houston, Texas 77010

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Master of M/V ZEA BREMEN with knowledge of the following topics: loading/unloading operations; the crane operation underway at the time of the incident; and Plaintiff's claims which serves as the subject matter of this dispute.

7. **Mike Rogge**

c/o Zeamarine Carrier GmbH

Jason P. Waguespack, Kelly C. Hartmann, Trenton J. Wallis

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Supercargo of M/V ZEA BREMEN with knowledge of the following topics: loading/unloading operations; the crane operation underway at the time of the incident; and Plaintiff's claims which serves as the subject matter of this dispute.

8. **AB Cuyos**

c/o Zeamarine Carrier GmbH

Jason P. Waguespack, Kelly C. Hartmann, Trenton J. Wallis

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Certified crane operator with knowledge of the following topics: loading/unloading operations; the crane operation underway at the time of the incident; and Plaintiff's claims which serves as the subject matter of this dispute.

9. All individuals listed in the initial disclosures of Plaintiff.

Defendant reserves the right to supplement and/or amend this disclosure to the extent additional information becomes available.

II. DOCUMENTS

The following categories of documents are within Defendant's possession, custody, or control and may be used to support Defendant's claims or defenses:

1. Letter of Protest prepared by Master of the M/V "ZEA BREMEN"
ZEAMARINE 00001

These disclosures are based upon the information and documents currently available to Defendant, and Defendant expressly reserves the right to supplement its disclosures or offer additional documents at arbitration or otherwise in this proceeding. These disclosures are not intended to and do not waive any privileges or protections that may apply. Defendant reserves the right to use other documents at arbitration for purposes of impeachment.

III. COMPUTATION OF DAMAGES

Not applicable.

IV. INSURANCE AGREEMENTS

Not applicable.

[Signatures on next page.]

Respectfully submitted by,

/s/ Trenton J. Wallis

Jason P. Waguespack, T.A.

Federal I.D. No. 268357

Kelly C. Hartmann

Federal I.D. No. 777411

State Bar No. 24055631

Trenton J. Wallis

Federal I.D. No. 3412033

State Bar No. 24113454

OF COUNSEL:

GALLOWAY, JOHNSON, TOMPKINS

BURR & SMITH

1301 McKinney Suite 1400

Houston, Texas 77010

Phone: (713) 599-0700

Fax: (713) 599-0777

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of December 2019, a copy of the above and foregoing was filed electronically with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all CM/ECF participants. I also certify that I have forwarded this filing by regular U.S. Mail, postage pre-paid, this same day to all non-CM/ECF participants.

Via E-Service

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Cory D. Itkin, Esq.

Ryan MacLeod, Esq.

Jacob Karam

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6009 Memorial Drive

Houston, Texas 77007

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ATTORNEY FOR PLAINTIFF

/s/ Trenton J. Wallis

Jason P. Waguespack, T.A.

Kelly C. Hartmann

Trenton J. Wallis